

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 03-10334-GAO

UNITED STATES OF AMERICA,

v.

DAVID CHITYAL,  
Defendant.

ORDER  
April 6, 2010

O'TOOLE, D.J.

The Court declines to issue a certificate of appealability under Rule 11(a) of the Rules Governing § 2255 Proceedings. For the reasons stated in the December 14, 2009 Opinion and Order, United States v. Chityal, 673 F. Supp. 2d 59 (D. Mass. 2009), the Court finds that the petitioner has not made a substantial showing of the denial of a constitutional right, as required by 28 U.S.C. § 2253(c)(2).

It is SO ORDERED.

/s/ George A. O'Toole, Jr.  
United States District Judge